APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,579	07/23/2003	Graham Oldfield	5035-151US	7733

7590 11/16/2005	EXAMINER
Richard C. Woodbridge, Esq.	PHAM, TAMMY T

Richard C. Woodbridge, Esq.
Synnestvedt Lechner & Woodbridge, LLP
P.O. Box 592
Princeton, NJ 08542-0592

ART UNIT	PAPER NUMBER
2675	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/625,579	OLDFIELD, GRAHAM
	Examiner	Art Unit
	Tammy Pham	2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 July 2003</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-17</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-17</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>23 July 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05) Office Action Summary Part of Paper No./Mail Date 20051103

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto

et al. (US Patent No: 5,755,619) in view of Hirakata (US Pub. No: 2002/0126084 A1).

As for claims 1 and 10, Matsumoto teaches that the colors are stored in a device memory

in section [0030], that the steps comprises of: (a) generating a set of co-ordinates for a contact

location on the display in section [0027]; (b) retrieving the color mask color at that set of co-

ordinates; (c) establishing the control area which is associated with the same color as the

retrieved color in section [0011].

Matsumoto does not specify that there are different areas on the display with different

colors.

Hirakata teaches of a method of establishing which control area shown on a display (Fig.

1) of a computing device has been selected by a user (1), in which each of several different

selectable control areas is associated with one of a set of unique colors (6) being made up of

regions that each correspond to one of the control areas and are each colored in one of the unique

colors in Fig. 23 and in column 21, lines 21-25.

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to include the steps of Matsumoto with the colored controlled areas of Hirakata in

order to make clearer for the user to distinguish the different separated areas (see Hirakata:

column 3, lines 1-5).

As for claims 2 and 11, although neither Hirakata nor Matsumoto specifically talks of a

bit map. It is inherent to include the method of claim 1 in which the color mask is obtained using

a bit map of the control areas. According to the IEEE 100 *The Authoriative Dictionary of IEEE

Standards Terms 7th Edition*, a bit map is a block of memory that stores a image of pixels by a set

of bits; and therefore this must be inherent in both applications in order for the apparatus claimed

to properly function.

As for claims 3 and 12, Matsumoto teaches of a method of claim 2 in which a table (8) of

the set of unique colors is stored in device memory, together with a reference to each associated

selectable control area in section [0029].

As for claims 4 and 13, Matsumoto teaches of the method of claim 3 in which each of the

unique colors in the table is represented as an unsigned integer in section [0032].

As for claims 5-6 and 14-15, Matsumoto teaches of the method of claim 4 in which each

of the unique colors in the color mask is represented as an unsigned integer and the unsigned

integer representing the color at the set of co-ordinates is compared against each unsigned integer

in the table until a match is found {claim 5} and of the method of claim 5 in which, when a

match is found, the corresponding selectable control area is then established using the table

{claim 6} in section [0029] and [0032]. Both sections teaches of using a color table to find the

appropriate color and of each color being associated with a distinct binary code (hence integers).

And it is inherent that the integers representing the colors are compared to one another until a

proper match is found.

As for claims 7-8 and 16, Matsumoto teaches of a control area with various color regions.

Matsumoto does not teach of the control areas having arbitrary shapes or being updatable.

Hitakata teaches of a method of claim 1 in which a selectable control area can be any

arbitrary shape so long as the color mask region corresponding to that arbitrary shape can be

filled with a single color {claim 7} and that the arrangement or design of the different selectable

control areas is updatable to a different arrangement or design by altering the bit map of the

control areas and the color mass in column 32, lines 20-21 and in Fig. 1. The section teaches that

the display can be divided into several areas and the figures show that the various shapes can be

formed.

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to include the steps of Matsumoto with the arbitrary and updatable shapes of Hirakata

in order to have the image be displayed in more than one color in response to operation of the

pointing device (see Hirakata: section[0011]).

As for claim 9, neither Matsumto nor Hirakata teaches of using a bit map or paint application in explicit terms, however it is inherent to include a method of claim 8 in which altering the bit map of the control areas and the color mask is performed using a paint application. The apparatus is able to display and change various shades of colors, it is only inherent that there must be a paint application or another software application of the like that permits the apparatus to carry on with the specified tasks.

As for claim 17, Matsumoto teaches of the color mask being made up of regions that each correspond to one of the control areas and are each colored in a unique color.

Matsumoto does not teach of using an application software.

Hirakata teaches of an application software programmed to run on a computing device, in which the application software causes each of several different selectable control areas to be displayed on the device and comprises a color mask in column 19, lines 18-20.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include the steps of Matsumoto with the colored controlled areas of Hirakata in order to make clearer for the user to distinguish the different separated areas (see Hirakata: column 3, lines 1-5).
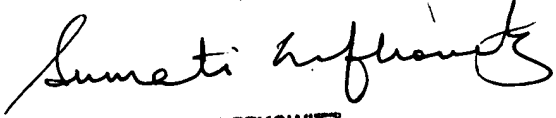
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammy Pham whose telephone number is (571) 272-7773. The examiner can normally be reached on 8:00-5:30 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tammy Pham
November 2, 2005

SUMATI LEFKOWITZ
SUPERVISORY PATENT EXAMINER